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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-47

13 KENNETH PAUL SANNER
14 6353 Greyson Way
Riverside, CA 92506

A C C U S A T I O N

15 Registered Nurse License No. 420716

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about November 30, 1987, the Board issued Registered Nurse
24 License Number 420716 to Kenneth Paul Sanner ("Respondent"). Respondent's Registered
25 Nurse license was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2009, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 8. At all times herein mentioned, Respondent was assigned to work as a
4 registered nurse in the Emergency Department at Riverside County Regional Medical Center,
5 Moreno Valley, California (hereinafter "medical center").

6 9. On or about April 25, 2006, at approximately 2:59 p.m., M. N., a 35 year
7 old male with a history of seizures, hydrocephalus, osteoporosis, VP shunt (brain shunt),
8 quadriplegia, and mental retardation was brought in to the medical center by his mother. The
9 patient had been complaining of a severe headache for two and a half days. The patient was
10 triaged in the Emergency Department ("ED") and his vital signs were taken. Registered Nurse
11 C. P. charted that the patient was referred to the ED for a possible shunt malfunction.

12 10. At approximately 3:40 p.m., Respondent, who was on duty in the ED,
13 documented in the patient's medical record that he performed an initial assessment of the patient
14 and charted his assessment in three areas, the Glasgow Coma Scale, psychosocial, and pain.
15 Respondent continued caring for the patient until approximately 7:15 p.m. when he gave a report
16 to the oncoming nurse. M.N. died approximately 5-6 hours after arrival in the ED.

17 11. Respondent is subject to disciplinary action pursuant to Code section
18 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on the date indicated
19 above, Respondent was guilty of gross negligence in his care of patient M. N. within the meaning
20 of Regulation 1442, as follows: Respondent failed to document or perform a neurological check
21 of the patient upon his initial assessment and every two hours thereafter or as changes presented,
22 thereby failing to adequately protect the patient from a significant deterioration in his
23 neurological status before health care intervention was initiated.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct)**

26 12. Complainant incorporates by reference as though fully set forth herein the
27 allegations contained in paragraphs 8 through 10 above.

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1 13. Respondent is subject to disciplinary action pursuant to Code section
2 2761, subdivision (a), in that Respondent committed acts constituting unprofessional conduct, as
3 set forth in paragraph 11 above.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 420716, issued
8 to Kenneth Paul Sanner;
- 9 2. Ordering Respondent Kenneth Paul Sanner to pay the Board of Registered
10 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
11 Business and Professions Code section 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 9/8/08.

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15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California

20 Complainant
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